

Background Notes on the AMP Working Draft

The framework of the draft AMP

The AMP working group had initially considered developing separate AMPs for farm markets and agritourism but concluded that a single, more encompassing AMP would work better. The draft AMP is framed using the broad concept of “on-farm direct marketing.”

The draft begins with a definitions section (p. 1-4), and then it details recommended practices for on-farm direct marketing facilities (p. 4-8), activities (p. 8-12), and events (p. 12-16). The final sections of the draft, which recommend practices related to hours of operation, sanitary facilities, lighting, and signs, apply generally to all on-farm direct marketing areas (p. 16-19).

The AMP development process – RTF Act context

One of the first things the AMP working group looked at was the RTF Act (RTFA) to become familiar with the statutory parameters to which the AMP must adhere. The RTFA protects farm markets and agritourism activities but does so with certain conditions. The Act (N.J.S.A. 4:1C-9) lists the following activities as eligible for protection (**note the conditions in bold**):

- “Provide for the operation of a farm market, **including the construction of building and parking areas in conformance with municipal standards**”
- “Conduct agriculture-related educational and farm-based recreational activities **provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm**”

The working group also reviewed past AMP efforts, drafts, and reports; farmers' feedback on these past efforts; and additional feedback from a 2011 outreach effort in which staff visited approximately 75 farm markets around the state.

During this recent outreach, farmers often mentioned the following major issues of concern: signage; the ability to sell additional products not your own; reasonable local review processes; flexible AMP standards; and the need for temporary parking areas and outdoor sales areas.

On-farm Direct Marketing Facilities (Farm Markets)

Our initial step with the “facilities” section was to create a broad definition for “on-farm direct marketing facility.” This definition describes the typical characteristics of farm markets and notes the general range of possible farm market types, such as farm stands, farm stores, CSAs, and pick-your-own operations. The draft also includes definitions for “sales area” and “products that contribute to farm income” – two terms from the RTFA’s definition of “farm market” – to add clarity to areas where there have been RTFA questions and inquiries.

The next effort – clarifying the RTFA’s conditional language, “including the construction of building and parking areas in conformance with municipal standards” – involved exploring the practical effect of the statutory language on issues such as municipal site plan review requirements and the proper role of CADBs and the SADC in instances of either nonexistent, or excessive, municipal regulation.

Our approach centered on the recognition that there are additional public health and safety issues to consider when the public is invited onto a farm. With this in mind, we framed the draft AMP's clarification of "municipal building and parking area standards" around the following ideas:

- Facilities must comply with applicable municipal building and parking standards pursuant to the statutory language;
- Municipal site plan review requirements should be based on the size of a new facility or addition (see p. 4-5), i.e., there should be different standards of review for different scales of farm markets;
- Municipalities may waive or reduce requirements based on site-specific considerations, e.g., the scale and intensity of the market; the farm's setting; the use of any adjoining public roads; and the minimum level of improvements necessary to protect public health and safety;
- Relief should be available through the CADB or SADC if municipal standards are unduly restrictive or the municipality is unreasonably withholding local approval.
- In the absence of applicable municipal parking standards, the draft AMP also includes general parking area standards. Parking area surfaces and improvements need not involve greater than the minimum level of improvements necessary to protect public health and safety.

On-Farm Direct Marketing Activities and Events (Agritourism)

In reviewing the RTFA context, the AMP working group discussed how the Act does not necessarily protect every single activity or event on every farm. For an activity to be eligible for protection, it needs to be related to marketing the farm's agricultural output.

The proposed definitions for "on-farm direct marketing activities" and "on-farm direct marketing events" takes this into consideration, describing them as agricultural-related offerings and functions that are accessory to, and serve to increase, the direct-market sales of the agricultural output of the farm. Activities and events are designed to attract customers to a farm by enhancing the experience of purchasing agricultural products. The individual definitions for "agriculture-related educational activities" and "farm-based recreational activities" take a similar approach.

The draft also includes a definition for "ancillary entertainment-based activities," to specifically recognize the common practice of farm markets to offer incidental, non-agricultural components with their on-farm direct marketing activities and events, such as face-painting at a fall festival.

Signs

One purpose of the draft AMP's signs section is to describe, as a generally accepted practice, the common ways in which farms are using signs to promote their on-farm direct marketing facilities, activities, and events. This includes the use of permanent and temporary signs; advance signs (up to ½ mile away); off-site signs, e.g., directional signs; and farm business signs.

This section proposes standards for the maximum size of a sign (16 sq. ft.) and overall combined square footage of signs (160 sq. ft.). These limits would not apply to any billboards, primary farm business signs, or NJDOT Tourist-Oriented Directional Signs.

Additional Activities

The draft AMP's final section, "Additional on-farm direct marketing facilities, activities, and events," recognizes that there are many varieties of on-farm direct marketing operations in New Jersey, and that if the AMP does not adequately address something being considered for protection under the RTFA, the CADB or SADC may make site-specific determinations consistent with the AMP.